

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 399

Introduced by Cudaback, 36

Read first time January 13, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to marriage; to amend sections 33-110, 42-102,
2 42-104, 42-107, and 42-113, Reissue Revised Statutes of
3 Nebraska; to change license and disqualification
4 provisions; to harmonize provisions; to provide an
5 operative date; to repeal the original sections; and to
6 declare an emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 33-110, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 33-110. County clerks shall receive no fee for the
4 performance of the following services: For issuing certificates of
5 election; for performing the duties of clerk of the county board;
6 for taking acknowledgments of claims against the county; for
7 attesting or certifying any document authorized by the county board
8 or required by the departments of the state; or for recording Army
9 or Navy discharges or furnishing certified copies thereof to be
10 used in connection with any claim for compensation or disability.
11 A charge of twenty-five cents shall be made for any other
12 certificate and seal unless otherwise provided. The fees collected
13 shall be credited to the county general fund.

14 County clerks shall receive a fee of ~~fifteen~~ twenty
15 dollars for the entire proceedings of issuing a marriage license,
16 administering the related oaths or affirmations, and recording a
17 marriage certificate. An additional fee of ~~five dollars~~ seven
18 dollars shall be made for each certified copy of a marriage record
19 on file in the office of the county clerk. Both such fees shall be
20 deposited in the county general fund.

21 Sec. 2. Section 42-102, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 42-102. At the time of the marriage the male must be of
24 the age of seventeen years or upward, and the female of the age of
25 seventeen years or upward. ~~No person who is afflicted with a~~
26 ~~venereal disease shall marry in this state.~~

27 Sec. 3. Section 42-104, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 42-104. Prior to the solemnization of any marriage in
2 this state, a license for that purpose shall be obtained from a
3 county clerk in the State of Nebraska. Applications for a marriage
4 license made with the county court prior to January 1, 1987, shall
5 be processed and licenses shall be issued by the county court
6 according to the law and procedures in effect on the date each
7 application was made. No marriage hereafter contracted shall be
8 recognized as valid unless such license has been previously
9 obtained and used within one year from the date of issuance and
10 unless such marriage is solemnized by a person authorized by law to
11 solemnize marriages. Each party shall present ~~satisfactory~~ photo
12 identification in the form of a motor vehicle operator's license or
13 state identification card or a passport as documentary proof of and
14 shall swear or affirm to the application giving: (1) Full name of
15 each applicant and residence; and (2) the place, date, and year of
16 birth of each.

17 Sec. 4. Section 42-107, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 42-107. If the required proof is not given, if it shall
20 appear that either of the parties is legally incompetent to enter
21 into such contract or that there is any impediment in the way, or
22 if either party is a minor and the consent mentioned in section
23 42-105 shall not be given, the county clerk shall refuse to grant a
24 license. No license shall be issued to the party of a divorce
25 until the decree becomes final and operative six months after the
26 decree is rendered as provided in section 42-372.01.

27 Sec. 5. Section 42-113, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 42-113. If any justice, minister, or other person whose
2 duty it is to make and transmit to the county clerk ~~such the~~
3 marriage certificate ~~shall neglect neglects~~ to make and deliver the
4 ~~same certificate within fifteen days after such marriage was~~
5 performed; if the county clerk ~~shall neglect neglects~~ to record
6 such certificate; if any person willfully and knowingly provides
7 false or fraudulent documentary proof under section 42-104; if any
8 person ~~shall undertake undertakes~~ to join others in marriage,
9 knowing that he or she is not legally authorized so to do or
10 knowing of any legal impediment to the proposed marriage; if any
11 person authorized to solemnize any marriage ~~shall~~ willfully and
12 knowingly ~~make makes~~ a false certificate of any marriage to the
13 county clerk; or if the county clerk ~~shall~~ willfully and knowingly
14 ~~make makes~~ a false record of any certificate of marriage, he or she
15 ~~shall be~~ is guilty of a Class I misdemeanor.

16 Sec. 6. This act becomes operative on July 6, 1999.

17 Sec. 7. Original sections 33-110, 42-102, 42-104,
18 42-107, and 42-113, Reissue Revised Statutes of Nebraska, are
19 repealed.

20 Sec. 8. Since an emergency exists, this act takes effect
21 when passed and approved according to law.